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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,661	08/17/2001	Andrew Rodney Ferlitsch	SLA0376	4570

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KRIEGER INTELLECTUAL PROPERTY, INC.
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EXAMINER

POON, KING Y

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2625

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/932,661	Applicant(s) FERLITSCH, ANDREW RODNEY	
	Examiner King Y. Poon	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 9-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 9-16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 3/26/2007.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barry et al (U.S. Patent No. 6,825,943) in view of Adobe PostScript.

Regarding Claims 1, 8: Barry teaches a method for providing collated, face-up printing (Postscript page 61, 62, note) in a printing system (fig. 1a), said method comprising: creating a spool data file corresponding to a print job (print job file 104 that is being spooled in print spool 108, fig. 1a); creating a Page-Independent Spool File (PISF) index file (the print job file being modified with the boundaries of the selected portions of column 7, lines 60-65, column 8, lines 5-20) from said spool data file; allowing manipulation (operators are substitute with RIP instructions and appended to the file, column 7, lines 57-64) of said PISF index file to effect document page

manipulation options (column 4, lines 65-67, column 7, lines 55-65, note), thereby producing a manipulated PISF index file; and converting said manipulated PISF index file into printer-ready data using a print processor (RIP, column 7, lines 45-50) customized to use said manipulated PISF index file.

Note: Barry teaches his print job is implemented using PostScript (column 4, lines 60-65).

Barry et al does not explicitly disclose what these operating parameters are.

Barry also does not disclose the file comprising header data, footer data, and data corresponding to the front and the back of each page of said print job.

However, Postscript teaches the Postscript file instructions includes collated face up printing (page 61, 62), and duplex printing (page 61, 62). Postscript further disclosed the Postscript file format comprising header data and footer data (header, trailer, page 19) and data corresponding to the front and the back of each page of said print job from said spool data file (see pages of page 1, also see duplex, page 61, 62).

Therefore, it would have been obvious to a person with ordinary skill in the art to modified Barry's system such that the index file parameter to be manipulated by Barry includes collated face up printing and duplex printing to effect collated face up printing and duplex printing by the system in order to fully utilize Postscript.

Since the RIP processor is processing Postscript file submitted (column 6, lines 65-67) and Postscript file submitted is having a file format disclosed in page. 19 of Postscript, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have provided the file 140. fig. 1b of Barry with header

data, footer data, and data corresponding to the front and the back of each page of said print job from said spool data file (for duplex printing), as taught by Postscript.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the file 140. fig. 1b of Barry because: the processor already process file in this format, providing a file of the format that the system are designed to process would enable the file would be successfully processed by the system.

Regarding claim 2: Barry teaches wherein said spool data file is a Microsoft Windows Job Description File. (Barry et al discloses in column 1, lines 18-21 that Postscript is a popular means of describing documents for printing. One skilled in the art knows that Postscript can be used in the Windows operating environment, although it might not necessarily be termed a "MS windows job description file. Also see column 3, lines 40-45")

Regarding claim 3: Barry teaches wherein said manipulation comprises changing the order in which pages are printed (collate, page 62, Postscript).

Regarding claim 4: Barry teaches wherein said page-independent index file comprises print job commands, page commands and page data.

See wherein Barry et al discloses in column, 6 lines 9-13 that "...the job control file 110, which contains operating parameters and program operators for controlling the operation of the processing of the print job file." These could read on the commands for the print job and the page.

Furthermore, Barry et al discloses in column 3, lines 27-29, a "language processor 120 for extracting information from the job control file 110..." Column 3, lines 42-48 gives an example that the language processor can extract data about the number of pages (i.e. page data).

Regarding claim 5: Barry teaches wherein said page-independent index file provides access to at least one Enhanced Metafile (EMF) file.

As mentioned above, in the rejection to claim 1, a portion of print job file with the control information can be read on the index file, but Barry et al does not explicitly disclose what format this print job file is in.

However, the applicant's disclosure of the prior art states in paragraph (0006) that EMF and raw are two common types of data that Windows typically uses. The examiner is also taking official notice that EMF and raw are two common types of data that Windows typically uses.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use EMF or raw data in Barry et al's invention. The motivation would have been to use a widely recognized format for increased compatibility.

Regarding claim 6: Barry teaches wherein said page-independent index file provides access to at least one raw format file.

See claim 5 above. Same rejection with raw data instead of EMF.

Regarding claim 7: Barry teaches wherein said manipulation of said index file comprises changing the side of a duplex page on which printing occurs (face up, page

62, Postscript; note: face up printing is an option; therefore, if the option is not selected, the printing page would not be face up. Otherwise, face up option is not required).

Response to Arguments

4. Applicant's arguments filed 10/27/2007 have been fully considered but they are not persuasive.

With respect to applicant's argument that the cited references do not teach "a page independent index file comprising header data, footer data, and data corresponding to the front and the back of each page of the print job," has been considered.

In reply: Barry teaches his print job is implemented using PostScript (column 4, lines 60-65).

Barry et al does not explicitly disclose what these operating parameters are.

Barry also does not disclose the file comprising header data, footer data, and data corresponding to the front and the back of each page of said print job.

However, Postscript teaches the Postscript file instructions includes collated face up printing (page 61, 62), and duplex printing (page 61, 62). Postscript further disclosed the Postscript file format comprising header data and footer data (header, trailer, page 19) and data corresponding to the front and the back of each page of said print job from said spool data file (see pages of page 1, also see duplex, page 61, 62).

Therefore, it would have been obvious to a person with ordinary skill in the art to modified Barry's system such that the index file parameter to be manipulated by Barry

includes collated face up printing and duplex printing to effect collated face up printing and duplex printing by the system in order to fully utilize Postscript.

Since the RIP processor is processing Postscript file submitted (column 6, lines 65-67) and Postscript file submitted is having a file format disclosed in page. 19 of Postscript, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have provided the file 140. fig. 1b of Barry with header data, footer data, and data corresponding to the front and the back of each page of said print job from said spool data file (for duplex printing), as taught by Postscript.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the file 140. fig. 1b of Barry because: the processor already process file in this format, providing a file of the format that the system are designed to process would enable the file would be successfully processed by the system.

With respect to applicant's argument that the control file of Barry effect no face up or face down characteristic of a print job; has been considered.

In reply: change the face up or face down of a print job is not part of the claimed limitations.

Column 3, lines 60-67, Barry teaches that the print job file 104 was formatted in Postscript and the instruction operator can read Postscript operator and MODIFY those operator or can SUBSTITUTE other operators or instructions in order to accomplish SPECIFIC SYSTEM CONTROL feature.

Postscript page 61-62 disclosed Postscript control operator or instruction for controlling the print system including face up instruction.

With respect to applicant argument that there requires no modification or customization of a print processor to specially handle the print job; has been considered.

In reply: modification of a print processor is not part of the claimed limitations. Barry, page 4, lines 60-67 teaches the print processor is customized/specialized in handling Postscript print job.

With respect to applicant's argument that Postscript is not related to page-independent file; has been considered.

In reply: Page 19 of Postscript disclosed that the Postscript file format is page-independent. The file can have any number of pages; the Postscript file can be used to control any number of pages.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to King Y. Poon whose telephone number is 571-272-7440. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 25, 2007


KING Y. POON
PRIMARY EXAMINER